

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2007 APR -4 A 10: 55

KWAKU O. KUSHINDANA

*

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v.

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Civil No. JFM-06-3057

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CITIMORTGAGE, INC., ET AL.

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CLERK'S OFFICE
AT BALTIMORE
BY _____ DEPUTY

MEMORANDUM

Kwaku O. Kushindana has filed this *pro se* action against The Neighborhood Assistance Corporation of America, Inc. ("NACA") and Citimortgage, Inc. Each defendant has filed a motion to dismiss to which plaintiff has responded. The motions will be granted.¹

The ground on which NACA seeks dismissal is that the dispute giving rise to plaintiff's claims arose under an agreement between the parties that included an arbitration provision. Judge Bennett of this court recently found the arbitration provision to be valid and dismissed a complaint that had been filed by Kushindana. *See Kushindana v. Neighborhood Stabilization Fund, Inc.*, Civil Action No. RDB-06-1328 (Feb. 28, 2007). I agree with the conclusion reached by Judge Bennett.

The only claim Kushindana attempts to assert against Citimortgage is one for fraud in count II. In the complaint plaintiff alleges no fraudulent misrepresentation allegedly made by Citimortgage. In an opposition memorandum plaintiff refers to a Work Completion Escrow Agreement but he refers to nothing in that document constituting alleged misrepresentation. Accordingly, plaintiff has failed to state a claim upon which relief can be granted against Citimortgage.

¹The granting of the motions to dismiss moots all other pending motions.

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: April 3, 2007

J. Frederick Motz
J. Frederick Motz
United States District Judge